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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,774	12/31/1998	GREGORY S. LINDHORST	3797.77995	3334

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/223,774

Applicant(s)

LINDHORST ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 16-22 and 31-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 16-22 and 31-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE filed 11/13/2006, to the original application filed **12/31/1998**, IDS filed 4/2/2002, 8/27/2002, 7/6/2004, and 7/23/2004.
2. Claims 8-11, 16-22, 31-42 pending. Claims 1-7, 12-15, 23-30 have been canceled. Claims 43-44 have been added. Claims 8, 16, 18, 31, 38, 43, 44 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2006 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention as claimed in claims 16-17, 31-37, is directed to non-statutory subject matter.

In regard to independent claims 16, 31, claims 16 and 31 each claim a computer readable medium having stored thereon a data structure. Since a "data structure" is merely code per se, said claim can be directed to at least non-functional descriptive material, and is therefore directed to non-statutory subject matter.

In regard to dependent claims 17, 32-37, said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 8-11, 16-22, 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser, U.S. Patent No. 5,953,731 issued September 1999, in view of Foley et al. (hereinafter Foley), U.S. Patent No. 5,706,502 issued January 1998, and further in view of Kirkner, Bill et al. (hereinafter Kirkner), Running a Perfect Netscape Site, 1996 QUE Corporation, pages 524-535.**

In regard to independent claim 8, Glaser teaches a development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45).

Glaser teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract).

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet "FORM1" is dragged into a "FORM2" drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34).

The limitation of "*pages as objects*", and "*page object*" would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an

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applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages.

Glaser does not specifically teach said page object control containing a list of related objects, methods and properties. However, Foley teaches a project manager allowing copying of various project methods into other files (Foley Abstract). Foley teaches icons referencing various applets with other related methods and properties, which can be imported and copied accordingly (Foley column 6 lines 37-54, 60-67, column 8 lines 43-48, column 10 lines 8-12, Figures 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Foley to Glaser, providing Glaser the benefit of listings of related items related to a control for organized analysis.

Glaser does not specifically teach instantiating/referencing object controls without transferring methods/properties associated with said control on the first page. However, Kirkner teaches HTML documents embedded with "include" statements. Kirkner's example shows that if a user wanted to include the same content in all pages of a site (such as a button bar, etc.) an HTML embedded include statement calls an external file for instantiation of said button bar (Kirkner page 532-533 section "Including Simple Text files"). In this fashion, the button bar code is referenced by a page, instantiated along with said page (via browser execution), but the methods and properties of said button bar are not permanently transferred to said page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkner to Glaser, providing Glaser the additional benefit of allowing references of its control objects to other pages without actually transferring the objects actual code, in order to decrease file sizes of many HTML pages on a site which may share the same objects.

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In regard to dependent claim 9, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20).

In regard to dependent claims 10-11, Glaser teaches implementation of its invention using a client/server embodiment (Glaser Figure 1, column 3 lines 43-46, 60-67 to column 4 lines 1-14).

In regard to independent claim 16, claim 16 incorporates substantially similar subject matter as claimed in claim 8, and in further view of the following, is rejected along the same rationale.

Although Glaser does not specifically disclose “scanning” a first page, nevertheless, Glaser teaches that all objects on a document are listed in the same document’s Project Manager box object (Glaser Figures 6B-6D), providing reasonable suggestion to the skilled artisan that a form of scanning takes place in order to keep the object listing current. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Glaser in this fashion, providing the benefit of a current up to date listing of available document object controls.

In regard to claims 17-18, claims 17-18 incorporate substantially similar subject matter as claimed in claims 8-9, 16, and are rejected along the same rationale.

In regard to dependent claims 19, 20, Glaser teaches a development environment comprising an Applet control list of all forms and projects, and inserting controls from one form or HTML page into another HTML page with all necessary code associated with said object (Glaser Abstract, column 7 lines 40-45).

In regard to dependent claims 21, 22, Glaser teaches dragging a control into a modifiable dropped position in an HTML page (Glaser column 7 lines 14-20).

In regard to independent claim 31, claim 31 reflects the computer readable medium used to implement the system (and is substantially similar to the system) as claimed in claims 8 and 16, and are rejected along the same rationale.

In regard to claims 32-37, claims 32-37 incorporate substantially similar subject matter as claimed in claims 8-11, 16-22, and are rejected along the same rationale.

In regard to independent claim 38, claim 38 reflects the computer readable methods used to implement the system (and is substantially similar to the system) as claimed in claims 8 and 16, and are rejected along the same rationale.

In regard to claims 39-42, claims 39-42 incorporate substantially similar subject matter as claimed in claims 8-11, 16-22, and are rejected along the same rationale.

In regard to independent claims 43, 44, claims 43 and 44 reflect the computer readable medium comprising instructions used for implementing the system as claimed in claims 8, 16, and 18 and in further view of the following, is rejected along the same rationale.

Glaser teaches a 3 tier paradigm of computers which can be connected via a network (Glaser Figure 1, column 5 lines 5-15. Glaser does not forcefully disclose remote editing from a client to a page stored on a server. However, Foley teaches a project manager whereby a user (on a client) can work with (i.e. edit, etc.) portfolio files that are stored remotely from a user's machine (Foley column 4 lines 5-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Foley to Glaser, providing Glaser the benefit of remote editing (i.e. within Glaser Figure 1), facilitating seamless creation of portfolios.

Response to Arguments

8. Applicant's arguments filed 3/20/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 9 of the amendment that the allowability of the instant claims are based at least in part on reasons presented in Applicant's previous amendment filed 8/14/2006. Applicant's arguments are substantially directed towards alleged failure of the cited art to teach object controls containing a list of objects, etc. The examiner respectfully notes that Foley teaches a project manager allowing copying of various project methods into other files (Foley Abstract). Foley teaches icons referencing various applets with other related methods and properties, which can be imported and copied accordingly

Applicant argues that the cited art does not teach "scanning" a first page for content. It is respectfully submitted that Glaser at least suggests a form of scanning in order to keep its listing up to date.

Applicant argues that the cited references do not teach referencing a second page from a first page. The examiner notes that since Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract), it would have been obvious to initially reference the page with the desired control (applet) prior to copying said control. Since Glaser teaches applets, copying an applet will also copy its methods and properties (to preserve the functionality of said applet).

Applicant argues that the cited art does not teach a page object control. The examiner notes that Glaser teaches applets, said applets generally applied to forms and HTML pages. Glaser also teaches selecting and inserting a control from one form object or HTML page into another HTML page. An applet can be interpreted as an object which can be associated with (assigned to) a web page.

It is respectfully noted that Glaser teaches a programming development environment for developing Internet applications (especially HTML pages and/or forms). Glaser specifically teaches "*A user may select control from one form or HTML page and insert it into another HTML page*" (Glaser Abstract, also at column 6 lines 9-11). It is respectfully observed that Glaser refers to "control" as a "selected control" (see Glaser Abstract – at middle).

In additional support of the instant rejections, it is respectfully submitted that Glaser does not limit a "control" to item "GRID1" in Figure 7C. In addition to "GRID1", and "FORM1" (Glaser Figure 7C item 438) being fairly interpreted as "objects", Glaser also teaches a selectable control defined as "a button" to be dragged and dropped by a user into another page (see Glaser column 6 lines 9-11), said button can be fairly interpreted as a type of control object on a page. The above teachings regarding selection of a control from a page, page objects within Figure 7C, and Glaser's "control" defined as a selectable button on a page (a control object), are used by the examiner to teach the claimed "*page object control*".

In addition, Glaser teaches (subsequent to dragging/dropping a (control) button into another page), the button's applet code inserted into the code of the second page, with automatic inclusion of any dependency code and/or control into the second page as well (see Glaser column 6 lines 9-19). Since a control object (i.e. a graphical button, or the form object of Glaser Figure 7C) requires various code to implement, Glaser's invention acts to keep track of (i.e. a listing of) said code and dependent code/methods, so as to provide a complete transition of all related methods and properties associated with a dragged object in association with a page.

Regarding arguments presented during interview conducted 10/12/2006, it is noted that the instant claims do not specifically recite "object oriented" techniques, nor is it clear to the examiner whether said claims are directed to said techniques. Glaser also teaches (object oriented) Java (Glaser column 4 lines 15-22), and Foley teaches Java stand alone executables and Java class libraries (Foley Abstract, column 3 line 62 to column 4 line 10).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

February 14, 2007